

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

THE CITY OF SEATTLE, and )  
MUNICIPALITY OF METROPOLITAN )  
SEATTLE, )

Defendants. )

Case No. C90-395WD

COPY

Deposition Upon Oral Examination

of

GERALD R. GARMAN

Volume II

(Pages 103 through 148 inclusive)

Taken at Building 2, 7600 Sand Point Way Northeast  
Seattle, Washington

DATE: April 18, 1991

REPORTED BY: Georganna L. Baker

SCL 04630

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A P P E A R A N C E S

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I N D E X

CONTINUED EXAMINATION BY:

PAGE

Ms. Hall ..... 106

EXHIBITS:

64 ..... 129  
65 ..... 129  
66 ..... 136  
67 ..... 141  
68 ..... 145

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1 SEATTLE, WASHINGTON; THURSDAY, APRIL 18, 1991

2 9:00 A.M.

3  
4 GERALD R. GARMAN, deponent herein, being again  
5 duly sworn on oath, was examined  
6 and testified as follows:  
7

8 C O N T I N U E D E X A M I N A T I O N

9 BY MS. HALL:

10 Q. Good morning. This is Day 2 of the deposition,  
11 and we'll carry on from where we left off yesterday.

12 Do you know, sir, if there is any equipment  
13 containing PCBs, whether there has ever been any equipment  
14 containing PCBs, at the Georgetown Steam Plant site?

15 A. I'm not aware of any equipment at Georgetown that  
16 contain PCBs.

17 Q. Were there ever any capacitors at the site?

18 A. I'm not aware that there were.

19 Q. Do you know who would have knowledge of this, if  
20 there had been, of these capacitors?

21 A. I'm not sure there's anyone in the department at  
22 the present time that would have personal knowledge of that.  
23 It is possible that we may have old drawings that would show  
24 whether there was or wasn't, but you would have to talk to our  
25 engineering people for that.

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1 Q. Could you name anyone that might have worked in  
2 the engineering division who would have that information?

3 A. Well, again, I don't believe there's anybody in  
4 the present engineering staff that worked at Georgetown, and  
5 I'm not aware of any of the retired engineers that might have  
6 worked there that are still alive.

7 Q. Do you recall anyone from the engineering division  
8 that you worked with, still alive, whether currently with the  
9 division or not?

10 A. No, I'm sorry, I can't. I just don't have a name  
11 to give you.

12 Q. What are the possible sources of PCBs at any steam  
13 plant site?

14 MS. DOHERTY: Objection; calls for speculation.

15 Q. You can go ahead and answer the question.

16 A. The only two sources that I can think of offhand,  
17 if there were any at all, would be capacitor banks, if there  
18 are any capacitor banks, and I, frankly, am not aware of any,  
19 but that doesn't mean there weren't any.

20 Possibly transformer oil, but again, certainly in  
21 the case of Georgetown and in the case of most steam plants,  
22 transformers are not located inside the plant building;  
23 they're located external.

24 PCBs are used for fire retardant purposes, or  
25 were, and normally where you have an outside installation, one

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1 would not use PCB oil, or dielectric, I should say, because  
2 it's quite expensive and would not be necessary. In our  
3 system, as an example, we have very, very little little, or  
4 had very little of PCB equipment, because our equipment is  
5 designed to not require that kind of equipment.

6 Q. When you refer to PCB equipment, what are you  
7 referring to?

8 A. Typically, PCB equipment would be capacitors who  
9 would typically have it. Some few transformers would, where  
10 they were in enclosed areas where they would be a potential  
11 fire hazard. Some electric circuit breakers that are  
12 oil-filled, again, where they would be in an enclosed area,  
13 where they would be a fire hazard.

14 Our system had very little of that even prior to  
15 the PCB concerns, when it was used universally around the  
16 country, actually, around the world, because our system is  
17 designed to not require that type of equipment in almost all  
18 cases.

19 Q. When you say "very little of that," are you  
20 referring to all the categories that you just listed?

21 A. That is correct.

22 Q. Was there, to your knowledge, ever any transformer  
23 oil at the Georgetown Steam Plant site?

24 A. There always was transformer oil in the  
25 transformers at Georgetown.

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SCL 04635

1 Q. What kind of transformer oil was this?

2 A. This would be mineral oil, and I believe that all  
3 the oil, that I'm aware of, that was there, that I'm aware  
4 that was tested, showed that there was little, if any, PCB. I  
5 mean, well under the limit as defined by law.

6 Q. In what year did they begin testing the mineral  
7 oil?

8 A. Oh, it would have been at least ten years ago.

9 Q. That is, can you say no later or no earlier than a  
10 given date?

11 A. No, I can't give you a given date, but it,  
12 obviously, falls some short time after the change in federal  
13 statutes, because prior to that time, there was zero concern  
14 about PCB, and we would not have tested for something that we  
15 had no concern about.

16 Q. Is it possible that something other than mineral  
17 oil was used as transformer oil?

18 MS. DOHERTY: Objection; calls for speculation.

19 Q. You can answer the question.

20 A. Other than PCB dielectric, there isn't anything,  
21 other than mineral oil, that can be used for transformer oil,  
22 at least to my knowledge.

23 Q. If PCB dielectric had been used, you wouldn't have  
24 necessarily known about it in your job capacity, would you?

25 A. No, I would not necessarily have known about it.

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1 However, my job capacity, certainly since the mid 1970s, since  
2 all of the power dispatchers have reported to me --

3 Q. I'm sorry, I couldn't hear you.

4 A. The power dispatchers.

5 Q. Have reported to you?

6 A. Have reported to me. These are the people that  
7 make the clearances to allow equipment to be de-energized so  
8 that maintenance can be performed, and very often I am aware  
9 of the maintenance schedule because of that, even though I am  
10 not directly responsible for the schedule, because I am  
11 responsible for the operation of the system.

12 Q. From what time until what time have power  
13 dispatchers reported to you?

14 A. They reported directly to me either as my capacity  
15 as director of the division or, subsequently, assistant  
16 superintendent and now deputy assistant, since November of  
17 1977. I worked with them in lesser capacities in the  
18 organization since late 1969.

19 Q. So from November 1977 until the present or  
20 until --

21 A. Until the absolute present. They still work for  
22 me.

23 Q. Is there a supervisor or a manager of the power  
24 dispatchers, or how are they organized?

25 A. They report to a chief power dispatcher, and he in

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SCL 04637



1 turn reports to the manager of power dispatching.

2 Q. Could you name those two fellows currently.

3 A. Mr. David Bell is the chief power dispatcher.

4 Q. Okay.

5 A. Now I'm at a blank. Mr. Dale Thomas is the  
6 manager of dispatching. Mr. Thomas has been with the  
7 department for approximately five years. Prior to that time,  
8 he was in South Africa. Mr. Bell has been either the chief  
9 power dispatcher or a dispatcher for approximately 14 years.

10 Q. As another potential source, not necessarily the  
11 Georgetown Steam Plant, but as another source of PCBs, you  
12 mentioned fire retarding purposes. Could you explain how the  
13 substance would be used in that situation.

14 A. It's, effectively, a nonflammable material with a  
15 very high dielectric constant. Therefore, it is used in  
16 electrical equipment to insulate that equipment. That's its  
17 prime function, the insulation of the electric equipment, so  
18 it will not fail. But it is used in areas, or was used,  
19 because it's not used at all anymore, in areas that had some  
20 concern for fire control.

21 Q. To your knowledge, was PCB ever used in such a  
22 capacity at the Georgetown Steam Plant site?

23 A. To my knowledge, it would not have been.

24 Q. To your knowledge, it was not, or can you be more  
25 clear about that?

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SCL 04638

1 A. To my knowledge, it was never used at Georgetown.

2 Q. Would you have been in a position that you would  
3 have known about this use if it had been used?

4 A. There would have been a high probability that I  
5 would have been aware of it, yes. Not 100 percent guarantee,  
6 but a high probability.

7 Q. How would that have come about?

8 A. Just by virtue of the area that I am responsible  
9 and have been responsible for. We interface with engineering  
10 and with the operational people extensively, and you have the  
11 normal communications with these units as equipment is being  
12 maintained or worked on. Typically, we have a pretty good  
13 idea of what work they're going to do and what kind of  
14 equipment they're going to work on.

15 Q. What would be the name of the unit that would be  
16 in charge of the insulating?

17 A. It would have been one of the sub-units of the  
18 operations division.

19 Q. You're not sure which one?

20 A. It could have been any one of 30 or 40 different  
21 crews. There isn't a particular group of people that were  
22 assigned specifically to that work.

23 Q. "To that work," meaning fire insulation?

24 A. No, to the work at Georgetown. You have to  
25 understand that this material is used because it has the fire

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SCL 04639

1 retardant capability. It is not used as fire insulation. It  
2 is used because of its electrical characteristics, and so any  
3 time you would use PCB dielectric, you would use it only in  
4 locations where you did have a fire concern.

5 But your prime function was to make sure that the  
6 transformer or the capacitor bank or circuit breaker, whatever  
7 it was that was using the material, was dielectrically okay.  
8 We weren't thinking of it from the standpoint of like Freon,  
9 for example, where you might use to stop fire in a building or  
10 something like that.

11 But I do have to reiterate again that we have or  
12 have had, at any time in the past, very little PCB in our  
13 system, because our system is designed to where we just do not  
14 use it or don't have to use that kind of equipment.

15 Q. You mentioned, also, transformers in enclosed  
16 areas.

17 A. Like transformers inside the department houses,  
18 sometimes.

19 Q. To your knowledge, there were no transformers in  
20 enclosed areas at the Georgetown Steam Plant site?

21 A. To my knowledge, any transformers that were there,  
22 whether they were enclosed or not, was not filled with a PCB  
23 dielectric, because Georgetown is, basically, by its very  
24 construction, fireproof. We only used them in areas where we  
25 literally had no other choice, such as rooms that were wood or

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SCL 04640

1 something of that nature.

2 Q. To your knowledge, were PCBs in transformers ever  
3 on the Georgetown Steam Plant site?

4 A. I've already said, to my knowledge there was no  
5 PCB material on the Georgetown Steam Plant site. That would  
6 be all-inclusive.

7 Q. Who would have supervised the transformers at the  
8 Georgetown Steam Plant?

9 A. One of the sub-units of the operations division.

10 Q. Can you be more specific?

11 A. No, I can't. I don't have names, nor can I give  
12 you even a unit. It would be one of the station construction  
13 units, but there are a number of those units, and they are  
14 assigned jobs, as the jobs come up on the list to be done, and  
15 so it will be a varying group of people. In most cases, if  
16 not all cases, the people that would have worked there on any  
17 of that equipment are long gone, because we did retire the  
18 plant 14 plus years ago.

19 Q. Were PCBs in the circuit breakers ever on site  
20 through use or storage at the Georgetown Steam Plant?

21 A. Again, to my knowledge, there were no PCB  
22 materials on site in any equipment at Georgetown.

23 Q. Who would have been in charge of the circuit  
24 breakers?

25 A. The same people that were in charge of the

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1 transformers, they do that kind of work. They work on the  
2 electrical equipment inside our stations; inside being within  
3 the bounds of the fence.

4 Q. Within these multiple sub-units that you've  
5 mentioned, are there certain sub-units that are responsible  
6 for the electrical equipment?

7 A. The station constructors are responsible for the  
8 electrical equipment, which would include circuit breakers,  
9 capacitors, transformers, generators, motors.

10 Q. You said station --

11 A. Constructors.

12 Q. Which station constructors did you deal with?

13 A. I dealt with the operations division director, and  
14 his sub-managers, and the station constructors, which are crew  
15 teams, work for them.

16 Q. Do you recall the name of the operations director  
17 any time during the 1980s?

18 A. During the 1980s, it would be Mr. Walter Sickler.  
19 Understand that Georgetown was retired, so it was never  
20 operated during the 1980s.

21 Q. How do you spell Sickler?

22 A. S-i-c-k-l-e-r.

23 Q. During the 1970s?

24 A. During the 1970s, it would have been -- from 1982  
25 or '83 back, probably Mr. Robert Walker, which I believe was

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SCL 04642

1 on one of the exhibits you showed me yesterday.

2 Q. Do you know who might have held that position  
3 before Mr. Walker?

4 A. Mr. Julian Whaley, W-h-a-l-e-y. At that time the  
5 unit was called "inside construction," and he was the director  
6 of inside construction.

7 Q. If you recall, do you know the dates that he held  
8 that position?

9 A. Well, it would have been the mid 1970s and back.  
10 Specific dates I can't possibly recall at this time.

11 Q. Judging from his age, how far back?

12 A. Julian Whaley hired me in 1955.

13 Q. So from 1955 to the mid 1970s?

14 A. I know he was around at least in 1955.

15 Q. To your knowledge, were PCBs ever used in  
16 lubricants for turbines?

17 A. No.

18 Q. Would you have been in a position to know this if  
19 they had been?

20 A. Not 100 percent guarantee, but probably a high  
21 likelihood.

22 Q. What in your work, your tasks, would have --

23 A. For the same reason that I reiterated to the  
24 earlier question. Since the people that are responsible for  
25 allowing equipment to be worked on worked for me, and we have

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SCL 04643

1 to coordinate the times that we can allow certain pieces of  
2 equipment to be out on clearance, there is a great deal of  
3 interface between myself and my people and the maintenance  
4 units of the operations division and engineering, to  
5 coordinate the necessary maintenance of our large equipment.  
6 In the process of that coordination, we go over the details of  
7 what they're going to do and how long it's going to take.

8 Q. Who did you deal with in the maintenance units  
9 during the 1980s, chiefly?

10 A. The people that I've been talking about. These  
11 are the maintenance units.

12 Q. That is, Walter Sickler?

13 A. Walter Sickler.

14 Q. What is a capacitor?

15 A. It's an electrical device that is used to correct  
16 imaginary power so that the system will operate at its near  
17 unity power as possible. In an electrical system, your  
18 electric motors and things of this nature have what we call  
19 lagging imaginary power, electrical capacitors, or leading  
20 imaginary power, and they cancel out the effect of the  
21 imaginary power; thereby allowing the system to operate at  
22 unity.

23 Unity is what we measure in our watt hour meters,  
24 and that's what we bill you on. We don't want to supply you  
25 something that we can't collect on, so we make sure that we

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SCL 04644

1 only deliver unity power.

2 Q. How are they used in the City Light system in  
3 general?

4 A. In general, to correct for lagging imaginary  
5 power.

6 Q. What is the fluid capacity of these capacitors?

7 A. I haven't got the foggiest notion. It's not very  
8 much, but I can't possibly tell you. In some cases I do know  
9 it's zero, because there are capacitors that are what we call  
10 "dry type capacitors."

11 Q. Would transformer oil, PCB dielectric, PCB used in  
12 fire retarding purposes, transformers, or circuit breakers  
13 containing PCBs, ever have made their way onto the Georgetown  
14 Steam Plant site in storage, if not for use?

15 A. To my knowledge, there was not ever any PCBs on  
16 site.

17 Q. Was the Georgetown Steam Plant site ever used for  
18 storing equipment from other Seattle City Light properties?

19 A. I'm not aware that it was.

20 Q. Would you have, in your job capacity, known about  
21 this if it were so?

22 A. No guarantee that I would have known about that.

23 Q. Who would make decisions on such storage?

24 A. Oh, any number of people in the operations  
25 division potentially could have. Literally, anybody working

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SCL 04645



1 on any of the operations crews.

2 It's only a short distance from our south  
3 warehouse, so it would be highly unlikely it would have been  
4 used for storage, just because why store something at  
5 Georgetown when you have the ability to store it at the  
6 warehouse.

7 Q. Did the pipes ever freeze at the Georgetown Steam  
8 Plant?

9 A. I'm not aware that they froze. Any pipes that  
10 would have frozen would have been pipes filled with water.  
11 Transformer oil and things of that nature don't freeze at  
12 normal temperatures.

13 Q. Would you, in your job capacity, have known of  
14 these pipes freezing?

15 A. There would have been a relatively high likelihood  
16 that I would have been aware of it; not 100 percent guarantee,  
17 but a high likelihood.

18 Q. Was there ever a spill of lube oil at the  
19 Georgetown Steam Plant?

20 A. I'm not aware of any spill.

21 Q. Would you have any indirect knowledge of this;  
22 that is, recollections of --

23 A. I'm telling you I'm not aware of any spill. I  
24 can't guarantee that there was no spill because I'm,  
25 obviously, not aware of everything that goes on. But to my

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SCL 04646

1 knowledge, I'm not aware of any spill.

2 Q. What type of reporting requirements exist now and  
3 have existed for Georgetown Steam Plant employees, that is, if  
4 we can include the operations units within this?

5 A. I'm sorry, I don't understand your question.

6 Q. What kind of reporting requirements, after a  
7 spill, after pipes freeze and/or break, exist for Georgetown  
8 Steam Plant employees?

9 A. Same reporting requirements that exist for all of  
10 the equipment on our system. At the present time we have a  
11 standard operating procedure for reporting all types of  
12 potential spills. That would not include the breaking of a  
13 water pipe.

14 Q. That wouldn't be reported?

15 A. No, because why would you report the breaking of a  
16 water pipe that's filled with nothing but pure water. Oil  
17 pipes, things of that nature, ruptured transformers, we have a  
18 standard operating procedure where we report spills. We  
19 immediately test to ensure that we either do or don't have any  
20 PCBs and/or other contaminants. If there is any, which does  
21 happen once in a blue moon, because we have not been able to  
22 remove all of the transformers that we did have that had some  
23 contamination, then we immediately go to clean it up. That  
24 policy has been in place for at least the last decade.

25 Q. Since it's 1991, you mean at least since 1981?

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SCL 04647

1 A. Generally in that range.

2 Q. Would it have existed --

3 A. It would not have existed prior to the federal  
4 statute being passed. However, there were other policies in  
5 terms of cleanup of spills, because, frankly, you don't leave  
6 a mess for your people to have to either work in or other  
7 people to have to live with. We try to be good neighbors, and  
8 always have.

9 Q. Prior to the federal statutes, there were  
10 certainly cleanup requirements. Were there also, to your  
11 knowledge, reporting requirements for spills?

12 A. I, frankly, don't remember.

13 Q. Would you have had much dealing with these reports  
14 if they had been --

15 A. In an ancillary sense, but I honestly don't  
16 remember.

17 Q. You said that reports were made. Who would  
18 probably have made the reports, and to whom would they have  
19 made them, during the 1980s?

20 A. Any report that's been made could come from, in  
21 the case of Georgetown, it would come from potentially two  
22 separate sources: the operations division people assigned to  
23 the site to take care of it, or our environmental affairs  
24 division.

25 Q. Would have made the report?

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1 A. Either one of those could have made the report.

2 Q. To whom would the report have been submitted?

3 A. In most cases, those reports are just filed, to my  
4 knowledge, after the incident is dealt with, so that we have a  
5 record of what was done in terms of dealing with a particular  
6 spill, if there has been one.

7 Q. Were there no requirements after the federal  
8 statute to give these reports to someone else at Seattle City  
9 Light?

10 A. The environmental affairs division is ultimately  
11 responsible for the necessary legal requirements associated  
12 with that particular function, and what they do with them, I,  
13 frankly, don't know. Once it's been cleaned up, then it's,  
14 basically, beyond my concern.

15 Q. So you did not require that such reports would  
16 come to you?

17 A. No, I would have had no reason to require that  
18 they come to me.

19 Q. I assume that it worked the same for the test  
20 results that you spoke of?

21 A. In some cases, if the equipment that was being  
22 tested was extremely vital to the integrity of our system, I  
23 would have had a copy of that report come to me so that I was  
24 assured that we could use it as needed.

25 In other cases, where it was less vital, then it

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1 would go to the appropriate responsible party or group and not  
2 necessarily come to me. I try not to have any more things  
3 come into my in-box than absolutely necessary.

4 Q. Who would the responsible party have been?

5 A. Well, on the testing on that, it would be a  
6 combination of the operations division personnel for their  
7 recordkeeping, and any engineering personnel, if in fact there  
8 was some action that had to be taken.

9 Q. I would like to get back to the exhibits. Exhibit  
10 No. 62 has been stamped, and I'm going to give it back to you.

11 MS. DOHERTY: I need to go to the bathroom.  
12 Off record.

13 Q. Referring to Exhibit 62, we see it's a letter from  
14 Seattle City Light to Ms. Denise Healey of METRO, dated  
15 October 25th, 1982. Are you familiar with this document?

16 A. Yes, I am.

17 Q. Could you tell us what it is.

18 A. It's a letter from Katherine Fletcher, who was the  
19 then director of environmental affairs, to METRO, in answer to  
20 a series of questions that METRO had asked, concerning any  
21 possible PCB input into the Duwamish. It's Katherine's  
22 response to the questions that METRO raised.

23 MS. DOHERTY: I thought we went off the record.

24 MS. HALL: I apologize. We did wait a few  
25 minutes.

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SCL 04650

1 MS. DOHERTY: Can we read back what happened.

2 THE WITNESS: She just asked me if I was aware  
3 of this and what it was.

4 MS. DOHERTY: Okay, go ahead.

5 Q. Were you given this document during the course of  
6 your work?

7 A. I am not cc'd on the document, so it is  
8 conceivable I did not see it when it was published in 1982. I  
9 am aware of it since you showed it to me yesterday before we  
10 broke.

11 Q. Had you seen the document before yesterday?

12 A. I don't remember that I had. I don't remember  
13 that I had not. It's nine years ago. My memory is good, but  
14 it's not perfect.

15 Q. On Page 0350, Bates stamp, of document Exhibit 62,  
16 Question No. 1 asks, "When was the last time the Georgetown  
17 Steam Plant was operated? What PCB equipment might currently  
18 exist there?" It says, "It is conceivable that transformer  
19 oils may have been PCB-contaminated."

20 Is this a true statement, to your knowledge?

21 MS. DOHERTY: Don't speculate.

22 A. I have no way of knowing whether the writer was  
23 lying or telling the truth. It is consistant with my  
24 knowledge, which is that there has been no PCBs used as PCB  
25 equipment at Georgetown, which is what I previously testified

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SCL 04651

1 to. It is consistent with my knowledge of the fact that there  
2 is sometimes very minor amounts of PCB material in the  
3 transformer oil, but, again, in most cases, even less than  
4 what the writer of the letter has even stipulated, which is  
5 within the bounds of federal statute.

6 MS. HALL: Could you read back what he said  
7 about the transformer oil.

8 (Record read)

9 Q. Do you know if transformer oils were kept on the  
10 Georgetown Steam Plant property prior to 1981?

11 A. There would certainly have been transformer oil in  
12 all the transformers that were used at Georgetown. Beyond  
13 that, I don't know of transformer oil being stored there, if  
14 that's what you're getting to.

15 Q. It's possible that that transformer oil, prior to  
16 1981, might have been PCB-contaminated?

17 MS. DOHERTY: Objection; calls for speculation.

18 A. I, frankly, don't know. I can't say that there's  
19 zero probability. But I would have to stipulate that it would  
20 be substantially less than what is considered contaminated oil  
21 under federal statute.

22 Q. Do you mean less in amount of oil itself, or less  
23 in the amount of PCB content of --

24 A. Part per million. In most cases, if there is any  
25 measurable, our typical average measurements would be, where

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SCL 04652

1 there's any at all, would be less than 5 parts per million.

2 Q. Your statement goes to the past as well as the  
3 current situation?

4 A. Yes, because we, frankly, had very little in the  
5 way of PCB equipment. Any PCBs that would be in the oil  
6 probably was there when we received it from the manufacturer,  
7 because the manufacturers of mineral oil also manufactured PCB  
8 dielectric. Sometimes the containers they used for one they  
9 would use later for another, so you would get a very minuscule  
10 amount of PCB in the mineral oil.

11 Q. In what other way would the transformer oil have  
12 become PCB-contaminated?

13 A. I know of no other way.

14 Q. In general?

15 A. I know of no other way.

16 Q. Do you recall talking to Ms. Katherine Fletcher or  
17 any member of her staff about the subject matter of this  
18 letter which is Exhibit 62?

19 A. No. As I indicated earlier, I don't remember  
20 whether I saw this letter in 1982, or not, when it was  
21 written.

22 Q. Would it have been probable that she or some  
23 member of her staff would have consulted you in putting  
24 together this document?

25 A. It would have been possible, but certainly no

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SCL 04653



1 guarantee.

2 Q. If you'll turn to Page 0350, Question No. 6 asks,  
3 "Have we ever used oils in our transformers that contain a  
4 significant amount of PCB-1260?"

5 A. Now, say that again, please.

6 Q. Have you found Question 6?

7 A. Yes, I have Question 6.

8 Q. It reads, "However, in the past, our capacitors  
9 have been entirely PCB and it is these, if anything, which  
10 might have contributed PCBs to the local waters." Is this a  
11 true statement?

12 A. Our capacitors have had PCB in them; those that  
13 have not been dry type, yes.

14 Q. But there were no capacitors stored or used on the  
15 Georgetown Steam Plant property?

16 A. My memory says there were none, but as I indicated  
17 earlier, I couldn't give you an absolute irrefutable answer on  
18 that. However, this letter would certainly substantiate that.  
19 As I see on Page 2 of the letter, that's Bates stamp 0350, in  
20 answer to Question No. 1, Katherine Fletcher is saying, and  
21 I quote, "To our knowledge there is not and never has been  
22 any PCB equipment at this site. No capacitor banks exist  
23 there."

24 Q. I would like to submit Exhibit 63. This is a  
25 letter from METRO, dated January 24th, 1983, to Mr. W.R.

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SCL 04654

1 Diefenderfer of Boeing Commercial Airplane Company. On the  
2 first page of Exhibit 63, it says that, "METRO collected  
3 sediment samples from storm drains on the Boeing Commercial  
4 Airplane Company properties at North Boeing Field. These  
5 storm drains discharge into the Duwamish River at Slip #4.  
6 One sample was collected in the storm water flume adjacent to  
7 the Seattle City Light Steam Plant."

8 Could you explain for me what a storm water flume  
9 is.

10 A. Well, a storm water flume is a flume, as we  
11 discussed yesterday, which is an open-controlled ditch,  
12 because it has sides and a bottom, but open to the top, that  
13 is used for getting rid of storm water.

14 Q. The Georgetown Steam Plant flume, would that also  
15 be a storm water flume?

16 A. It would not be called a storm water flume. It  
17 was a flume for removal of the cooling water from the heat  
18 exchangers at Georgetown. It did have, on occasion, storm  
19 water in it, since it was open to the atmosphere.

20 Q. This storm water flume, was it across the  
21 Georgetown Steam Plant property? Do you know if it was  
22 intersected --

23 A. First off, I don't know what this storm water  
24 flume that they're talking about in this letter is.

25 MS. HALL: Let's mark this.

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SCL 04655

(Exhibit No. 64 marked  
for identification)

Q. This is a letter from the Environmental Affairs  
Division of Seattle City Light dated June 12th, 1984, to Mr.  
Mike Dawda of the Department of Ecology. The first paragraph  
of the letter states, "This letter is written to document a  
spill of 100 - 400 gallons of lube oil at the Georgetown Steam  
Plant which occurred during the first week of January," 1984.

Do you remember seeing this letter before?

A. No, and I suspect that I did not see this letter.  
I am not listed as one of the carbon receivers. This  
particular letter, for this particular subject, would not  
necessarily, and probably would not have, come to me, because  
Georgetown in 1984 was an inoperable resource, and I would  
have received only letters or copies of letters for resources  
that were operational.

Q. Were you aware of the spill through other sources?

A. I am not aware of it. As I testified earlier, I  
was not aware there had been any spill and/or breakage of  
pipes.

(Exhibit No. 65 marked  
for identification)

Q. Do you recognize this document, Exhibit 65?

A. No, I do not.

Q. What is it?

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SCL 04656

1 A. The title indicates it's a "Soil Sampling to Test  
2 for PCB Contamination at the Georgetown Steam Plant/Bothell  
3 Substation." It appears to be a report from a consultant  
4 concerning soil sampling done for us.

5 Q. In your job capacity, did you ever have occasion  
6 to see sampling results such as this?

7 A. In some cases, especially with active parts of our  
8 system, yes, but not necessarily in all cases.

9 Q. What do you mean by "active parts of your system"?

10 A. Active being, say, one of our generation stations  
11 like Ross Dam or Diablo Dam which we use. "Inactive" in this  
12 case would be Georgetown, because at this point in time, 1984,  
13 Georgetown, from our standpoint, didn't exist anymore.

14 Q. Do you recall ever seeing any reports of sampling  
15 results from the Georgetown Steam Plant property?

16 A. No, I have never seen any sampling reports from  
17 Georgetown.

18 Q. On Page 1 of this report, Bates stamp 1771, it  
19 says that, "The Georgetown area was studied to predict the  
20 distribution of PCB in the 'pond' area, southwest of the steam  
21 plant." What was the pond area used for, to your knowledge?

22 A. I believe that you asked me a similar question  
23 yesterday about this pond, and I think I indicated then, as I  
24 would now, that I was not aware there was any pond at  
25 Georgetown, so I would have no idea what it would have been

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SCL 04657

1 used for.

2 Q. Does Bates stamp 1786 help give you perspective on  
3 where the pond might have been? I'm assuming that the pond  
4 was the area where all of the sampling, D-2, et cetera, is  
5 listed. Do you recall, and I realize this map is a bad one,  
6 but do you recall what was in that area, from your experience  
7 on the properties?

8 A. No, I don't recall anything being in that area.  
9 We had, to my knowledge, had no equipment or anything down in  
10 that area, because it was very close to the end of the runway.

11 Q. When you say you don't know if there was anything,  
12 does that include catch basins or ditches?

13 A. Remember, the last time I was at Georgetown was in  
14 1977, and the picture that I have in my mind is not as clear  
15 as a brand-new photograph. I do not remember anything being  
16 in that area. I certainly, I'm sure, would not remember  
17 something as relatively inconsequential as a catch basin.

18 Q. The term "pond" that is used on Page 1 of Exhibit  
19 65, is that a term that you all would have used in your work,  
20 or is it a term that the people who came up with the Raven  
21 report would have used?

22 A. I would have to assume that it's a term they would  
23 have had to use.

24 Q. Do you refer to "ponds" on any of the Seattle City  
25 Light properties?

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SCL 04658

1 A. Well, we do refer to "ponds" where we have ponds.  
2 I don't know how to answer it any other way.

3 Q. So to your knowledge, it doesn't really mean  
4 anything than what I as a lay person would consider to be a  
5 pond of water; is that correct?

6 A. That's the way I would have to interpret it if I  
7 was making the assumption.

8 Q. On Page 2, which is Bates stamped of Exhibit 65,  
9 says No. 1, "Georgetown." "The old boiler blowdown area was  
10 covered with fill." Could you explain what "fill" is.

11 A. Fill is material that is usually brought in to  
12 fill up a hole. It may be dirt, it could be gravel, it could  
13 be rock, it could be old timbers. Anything to fill up a hole.

14 Q. On Page 4 of Exhibit 65, Bates stamp 1774, the  
15 last paragraph says, "PCB concentration results are shown in  
16 Figure 2. The catch basins and ditch samples, though  
17 perceived to contain petroleum residues, show concentrations  
18 below four parts per million."

19 The last sentence says, "The pond sediments are  
20 high in PCB only at the southern boundary. An extreme  
21 concentration was found in the core."

22 How would petroleum residues have come into the  
23 catch basins and ditch samples?

24 A. Frankly, I don't know. I just don't know.

25 Q. Given an operation such as the Georgetown Steam

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SCL 04659

1 Plant, what's the most probable way that they would have come  
2 in?

3 MS. DOHERTY: Objection; you're asking the  
4 witness to speculate.

5 Q. You can answer the question.

6 A. It is possible, based on normal runoff, depending  
7 on the slope of the ground from the streets, the surrounding  
8 streets, or parking lots; it's possible that it could have  
9 been from minor spills at one time or another over the years.  
10 Georgetown has existed since 1905, and I certainly am not  
11 going to tell you that there's never been a spill at  
12 Georgetown of any kind or quantity because I don't know.  
13 Those are, typically, the ways that you would find something  
14 like this.

15 Q. From your 15-year-old recollection of the  
16 Georgetown Steam Plant site, were there parking lots that  
17 would have been close enough so that petroleum residues could  
18 have drained down into what's here referred to as the "catch  
19 basins and ditch samples"?

20 A. Well, there were parking lots around the plants,  
21 and there were parking lots on properties associated next to  
22 the plant. Depending on the general grade of the surrounding  
23 ground, yes, it was conceivable that could be one of the  
24 sources.

25 Q. Are you aware of the discovery of PCB-contaminated

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SCL 04660

1 fuel oil at Seattle City Light's Lake Union Steam Plant in the  
2 early to mid 1980s?

3 A. Yes, I am.

4 Q. Do you know what the source of this fuel oil was?

5 A. We have never been able to determine the exact  
6 source with 100 percent certainty.

7 Q. What are the possible sources that you all have  
8 considered?

9 MS. DOHERTY: Objection; calls for speculation.  
10 It's also beyond the scope of this discovery. You're asking  
11 about the Lake Union Steam Plant.

12 THE WITNESS: Do I answer?

13 MS. DOHERTY: Yes. Don't speculate.

14 A. We have eliminated most possible sources. The  
15 fuel oil was contaminated after 1974. We ran Lake Union on a  
16 major electrical production run for four months in 1974. We  
17 believe, by virtue of, literally, not being able to determine  
18 any other way, that the barge that was used by the fuel supply  
19 company to refill the main tank at Lake Union probably had  
20 been contaminated before the heavy oil had been put in the  
21 barge and brought to Lake Union.

22 PCB contamination of heavy oil, there's no logical  
23 way it would have happened absent something like that, by  
24 virtue of the fact there would be no reason for PCBs to be  
25 within a country mile of heavy oil. They have nothing to do

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SCL 04661



1 with each other.

2 MS. DOHERTY: Let's go off the record for a  
3 minute.

4 (Off-the-record discussion)

5 Q. Did you want to follow up with what you were  
6 saying?

7 A. No, that's it.

8 MS. HALL: Could you say that for the record,  
9 please.

10 MS. DOHERTY: No, I was talking to him.

11 MS. HALL: Let the record show that the  
12 deponent was conferring with counsel.

13 Q. Do you know how long that fuel oil had been at  
14 Lake Union, had been used from this vendor?

15 A. No, I have no idea how long we had been using that  
16 vendor.

17 Q. Do you know how long the fuel oil had been stored  
18 at Lake Union?

19 A. It was put in Lake Union in 1974 after our burn.

20 Q. For how long after that? I mean, from 1974 until?

21 A. Until we got rid of the oil.

22 Q. Do you have the date of that?

23 A. Oh, it's within the last three years.

24 Q. Before the Georgetown Steam Plant was retired, did  
25 Seattle City Light use the same vendor for fuel oil for both

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SCL 04662

1 the Lake Union Steam Plant and for the Georgetown Steam Plant?

2 A. I don't know.

3 Q. Who would have made decisions concerning vendors?

4 A. The operations division.

5 Q. Who, specifically, at the operations division?

6 A. Frankly, I have no idea.

7 MS. HALL: Let's take a break. Maybe we can  
8 keep it short.

9 (Short recess taken)

10 (Exhibit No. 66 marked  
11 for identification)

12 Q. Do you recognize this document?

13 A. No, I do not.

14 Q. It seems to be a report, I believe, from  
15 TetraTech, on sampling design of the Georgetown Steam Plant  
16 area, Seattle City Light. Exhibit 66 was produced for the  
17 United States by the City per our discovery requests.

18 In the first paragraph, it says that, "The  
19 sediments of Slip 4 have a higher PCB concentration than those  
20 of the main channel of the Duwamish Waterway. There are four  
21 storm water drains that terminate at Slip 4. One of these is  
22 the flume which carried outflow water from the Georgetown  
23 Steam Plant."

24 Do you know, sir, what the other three storm water  
25 drains were terminating at Slip 4?

SCL 04663

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1 A. No, I do not.

2 Q. The paragraph further states that, "The last time  
3 the boilers were run at the Steam Plant was in 1980. However,  
4 since the 1950s, many storm water drains have been connected  
5 to discharge into the flume."

6 Do you know, according to your knowledge, whether  
7 this date, 1980, was an error on the part of TetraTech's part  
8 or whether the steam plant could have indeed been run as late  
9 as 1980?

10 A. I would have to assume that it was error on their  
11 part. All of our official records indicate that the last time  
12 Georgetown was run, literally, the last time Georgetown  
13 produced any generation of any kind, was in 1974.

14 Q. '74?

15 A. Yes. I'm taking this from documents that have  
16 been filed with the Federal Energy Regulatory Commission,  
17 where we report both gross plant generation, energy used in  
18 plant for things like lights and things of that nature, and  
19 then net generation. In all years after 1974, I have zeroes  
20 for gross plant generation, so we produced no electricity at  
21 that plant.

22 Q. Could the boilers have been run without generating  
23 electricity?

24 A. It is possible they could have run for a heat  
25 source to keep the plant from freezing.

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SCL 04664

1 Q. Can you tell me the document you're referring to  
2 in your hand, what that is.

3 A. This is part of the system statement of Seattle  
4 City Light as filed with the Federal Power Commission, or  
5 Federal Energy Regulatory Commission, depending on the year.  
6 The problem I have is that they only gave me the one page, and  
7 I had them research this, and I'm not sure if it's from our  
8 Form 12 or our Form 1.

9 Q. I'm sorry?

10 A. We have two different reports that we were  
11 required to file with the federal government at this  
12 particular time. One was called a Form 1, 1-M, that had to  
13 do, primarily, with financial type figures, but it also had  
14 some generation reports. One was a Form 12, which was a  
15 system operating report. There was comparable data on both  
16 forms in some cases, and I don't know whether these particular  
17 pages came from a Form 1-M and/or a Form 12. It would have  
18 been one of those two reports.

19 Q. Paragraph 2 of Exhibit 66 states that, "In 1982,  
20 METRO tested the flume sediments and the results were 13 parts  
21 per million PCB. Seattle City Light has since been testing to  
22 find a source of PCB contamination. Tests inside the plant  
23 and around the underground fuel tanks have not shown  
24 detectable PCB concentrations. Southwest of the plant is a  
25 depression or basin that fills with water during the wet

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SCL 04665

1 season. A composite sample of its (blank) sediments was found  
2 to have a concentration of 500 parts per million PCB. The  
3 small 'basin' currently collects runoff from Boeing Field and  
4 the Boeing practice fire pits, to the east of the plant.  
5 Historically, the 'blowdown' from the steam operation (sludge  
6 that collects from the City water) was drained into the  
7 basin."

8 To your knowledge, then, was runoff from the  
9 Boeing Field drained into the basin referred to in Exhibit 66?

10 MS. DOHERTY: Could you read the question back.

11 (Record read)

12 A. Reading Exhibit 66, the writer of this report says  
13 that it was.

14 Q. Did you have knowledge, during the course of your  
15 work, of sediments from Boeing being drained into the catch  
16 basin on the Georgetown Steam Plant property?

17 A. I had no personal knowledge of that, no.

18 Q. Do you have indirect knowledge of that?

19 A. No.

20 Q. Would you, in your capacity, have been in a  
21 situation where you would have had knowledge?

22 A. No, I would not.

23 Q. From your recollection of the property, is the  
24 Boeing Field so situated that it could have drained into the  
25 small basin on the Georgetown Steam Plant property?

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SCL 04666

1 A. Oh, yes. The Georgetown is immediately adjacent  
2 to the northeast corner -- pardon me, the northwest corner, of  
3 the field.

4 Q. Getting back to the first paragraph in Exhibit 66,  
5 the storm water drains that are referred to that are connected  
6 to discharge into the flume, can you tell me what these refer  
7 to?

8 A. Going back to my testimony of yesterday, when I  
9 pointed out on the plot plan drawings, I pointed, I believe,  
10 to a number of pipes that were intersecting the flume. I have  
11 no knowledge as to where those pipes come from or who put them  
12 there, but the drawings would indicate that there were many  
13 pipes that intersected the flume.

14 Q. So storm water drains are the same as pipes, in  
15 your mind?

16 A. Since I have no knowledge, except for what I have  
17 from that drawing, the pipes are pipes. They could be storm  
18 pipes; they could be whatever, I don't know. All I know is  
19 that these pipes intersected.

20 Q. To your knowledge, was blowdown from the steam  
21 operation drained into the basins?

22 A. The only information I have on that is what I read  
23 contained in this exhibit, which would indicate that it was.

24 Q. What was your recollection of what was done with  
25 residue from the blowdown?

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SCL 04667

1 A. In most cases the residue was collected and  
2 disposed of as waste. But in the process of blowdown, you use  
3 water, high-pressure water, to clean the pipes. That water  
4 would not have been necessarily collected.

5 Q. That's it for Exhibit 66.

6 (Exhibit No. 67 marked  
7 for identification)

8 Q. Exhibit 67 is a letter from Seattle City Light to  
9 the Environmental Affairs Division, from Kris Benson, dated  
10 November 13th, 1984. Do you recognize Exhibit 67?

11 A. No, I must not have the same exhibit, because what  
12 I have is a memo to file from Kris Benson.

13 MS. DOHERTY: It's the same exhibit.

14 Q. Do you recognize this?

15 A. No, I do not recognize this.

16 Q. What is it?

17 A. It's a memo to file, the Environmental Affairs  
18 Division file, prepared by this Kris Benson, whoever that  
19 person is. It appears to be an internal memo.

20 Q. I take it you had no dealings with Kris Benson?

21 A. I have no idea who the person is.

22 Q. On the first page of Exhibit 67, the memo refers  
23 to plastic covering, down near the bottom. "At the time of  
24 Mr. Hansen's evaluation," it reads, "City Light had nearly  
25 completed the installation of a plastic sheet over the

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SCL 04668

1 contamination soils of the southwest property corner."

2 Do you recall this plastic covering being put on?

3 A. No, I have no knowledge of this, at all.

4 Q. Would you, in the course of your work, have had  
5 knowledge of this?

6 A. No, this post-dates the operational constraints at  
7 Georgetown; therefore, this project, from our standpoint, had  
8 ceased to exist.

9 Q. Do you know who Mr. Hansen was, Mr. Warren Hansen?

10 A. I have no knowledge of that individual.

11 Q. In the next line, it says that, "Some of the  
12 sediments in the flume are PCB-contaminated." How could these  
13 sediments have become contaminated?

14 MS. DOHERTY: Calls for speculation.

15 A. The sediments in the flume, pure speculation, I  
16 have absolutely no personal knowledge to it, but my suspicions  
17 would be that it came from the storm water drains that had  
18 been connected to the flume.

19 Q. What are other possible sources?

20 MS. DOHERTY: Same objection.

21 A. I know of no other sources. I wouldn't even know  
22 of any that I would speculate on. Our use of the flume was  
23 based on the cooling water, and that would not have been a  
24 source.

25 Q. From your knowledge of the site, were these storm

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SCL 04669



1 water drains fairly active?

2 A. I have no knowledge of the activity or lack  
3 thereof of the storm water drains.

4 Q. Which person would have been in charge of the  
5 storm water drains?

6 A. I don't know that any person would have been in  
7 charge of the storm water drains, since I don't believe any of  
8 them were ours.

9 Q. Would you know whether any Seattle City Light  
10 employee would have had the responsibility of supervising  
11 storm water drains?

12 A. We're not in the business to work with storm water  
13 drains, so we certainly would not supervise storm water  
14 drains.

15 Q. Well, I guess I'm not being clear. Since these  
16 storm water drains were on your property, wouldn't it have  
17 been someone's responsibility to eyeball the situation and --

18 A. Our property management people, if anybody would  
19 have been aware of those storm water drains being connected to  
20 our flume, our property management people would have been the  
21 people.

22 Q. Do you have any idea what their responsibility  
23 would have been concerning --

24 A. Well, if they had been connected properly, the  
25 entity that made the connection would have notified us to get

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SCL 04670

1 our permission to do so, and that would have been handled  
2 through our property management division.

3 If they were done surreptitiously, and those types  
4 of things do happen, then it's conceivable that nobody in City  
5 Light would have been aware that it had been connected.

6 Q. How many storm water drains were connected  
7 surreptitiously, to your knowledge?

8 A. I don't know how many were connected.

9 Q. More than five?

10 A. I wouldn't speculate.

11 Q. On the next page, Page 0247 of Exhibit 67, it  
12 says: A filter system should be positioned at a downstream  
13 point from the contaminated sediments (see sampling  
14 recommendations). If a filter is installed, a filling of  
15 activated carbon was recommended.

16 Do you recall whether such a filter was installed?  
17 Please see the previous page if this is unclear.

18 A. I have no knowledge of this at all.

19 Q. Again, would you have been in the capacity to have  
20 known of such a filter?

21 A. Again, since this plant had been retired at the  
22 time that this document was written, and all subsequent work,  
23 if any, was done, I would not have had knowledge because it  
24 was as if it did not exist.

25 Q. Are you aware of sources of PCBs that you think

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SCL 04671

1 may have been introduced into the flume through the storm  
2 drains?

3 A. I have no knowledge as to what sources that would  
4 be.

5 Q. On Page 0248 of Exhibit 67, the last paragraph,  
6 "For cleanup of the flume, water inputs need to be diverted  
7 or, at the least, minimized. Investigation into the  
8 availability of suction devices was advised." "Because part  
9 of the flume is underground, a hydraulic cleanup method was  
10 thought to be the most practical."

11 Do you have any recollection of the cleanup  
12 referred to here?

13 A. No, I do not.

14 (Exhibit No. 68 marked  
15 for identification)

16 Q. Do you recognize this document?

17 A. No, I do not.

18 Q. What is it?

19 A. Well, it's a memorandum from a Barry Broback to  
20 Civil Engineering - Unit 821. The subject is: "Georgetown  
21 Steam Plant Flume - PCB Cleanup. Meeting with Boeing Company  
22 on March 5, 1985."

23 Q. Given the more specific date of this cleanup, you  
24 have no recollection of it?

25 A. I have no idea, no knowledge.

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SCL 04672

1 Q. Do you recall any conversations concerning  
2 Boeing's involvement in contamination at the Georgetown Steam  
3 Plant?

4 A. No, I do not.

5 Q. If such a cleanup were done, would you have been  
6 told of the results that were attained?

7 A. No, I would not have been. Again, going back to  
8 my previous answer to that question, this is March 1985.  
9 Georgetown had been retired, and from our standpoint, it was  
10 was as if it did not exist.

11 MS. HALL: That's all for now. Thank you, Mr.  
12 Garman.

13 MS. DOHERTY: You're done with the witness,  
14 then? If you're not done, I want to go ahead and finish, keep  
15 going, until he has to go. I don't want to just adjourn and  
16 then have it continued until a later date. He is still  
17 available until 11:00, if you have more questions.

18 MS. HALL: At this time I don't have more  
19 questions. I would like to be able to recall him later if  
20 absolutely necessary, but I don't see that happening.

21 MS. DOHERTY: Well, I'm not going to agree to  
22 produce him again, because this is your opportunity to  
23 question him. We can leave that to a later decision, if you  
24 want to take it up with the court.

25 MS. HALL: Well, that's all I have for now.

PATRICE STARKOVICH  
REPORTING SERVICES  
(206) 323-0919

SCL 04673

(The deposition proceedings  
recessed at 10:40 a.m.)

(Signature reserved)

PATRICE STARKOVICH  
REPORTING SERVICES  
(206) 323-0919

SCL 04674

A F F I D A V I T

I have read my deposition and find the same to be true and accurate excepting the corrections, changes, or clarifications noted on the attached sheet.

\_\_\_\_\_  
GERALD R. GARMAN

STATE FOR \_\_\_\_\_ )  
COUNTY FOR \_\_\_\_\_ ) ss

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State  
of \_\_\_\_\_,  
residing at \_\_\_\_\_.

Commission Expires: \_\_\_\_\_

Title: \_\_\_\_\_

SCL 04675

CERTIFICATE

STATE OF WASHINGTON)  
COUNTY OF KING ) ss.

I, the undersigned Notary Public in and for the State of Washington, do hereby certify:

That the annexed and foregoing deposition of the witness named herein was taken stenographically before me and reduced to typewriting under my direction;

I further certify that the said witness was afforded the opportunity to examine, read and sign said deposition after the same was transcribed, unless indicated in the record that the parties and the witness waive the signing;

I further certify that all objections made at the time of said examination to my qualifications or the manner of taking each deposition, or to the conduct of any party, have been noted by me upon said deposition;

I further certify that I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

I further certify that the witness before examination was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

I further certify that the deposition, as transcribed, is a full, true and correct transcript of the testimony, including questions and answers, and all objections, motions and exceptions of counsel made and taken at the time of the foregoing examination.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 20th day of April 1991.

Georganna L. Baker  
GEORGANNA L. BAKER  
Notary Public in and for the  
State of Washington, residing at  
Seattle.

SCL 04676